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PARLIAMENTARY DEBATES
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Tuesday, 10th February 1987.

Unstarred Question—ARMS SALES AND HUMAN RIGHTS (*continued*)

[Continuation of *Official Report* from col. 608, Tuesday, 10th February 1987.]

9.45 p.m.

Lord Avebury: My Lords, there are a number of points which I should like to take up arising from the remarks of the noble Lord, Lord Thomas of Swynnerton. First, I should like to dispute his contention that politics is always a matter of choosing between two evils. I think that the whole career of the noble Lord, Lord Brockway, shows that that is not so. He has frequently—in fact, almost entirely—found himself on the side of the right and the just and has fought for those principles over a career that spans some 80 years. We are very grateful to him this evening for raising such an important issue yet again in your Lordships' House.

I should like also to disagree with the noble Lord's analysis of the effects of the United States policy in Central America. It is not true to say that, as a result of US interference in the isthmus, a chain of democracies has been established. The movement towards democracy in Guatemala, for instance, has nothing to do with United States influence. As the noble Lord, Lord Thomas, will recall, the United States withdrew entirely from giving military aid to the Guatemalan regime, and its relationships with the dictatorship were somewhat cool. Therefore, the advent of a democratic government under President Cerezo is the result of the working of internal forces.

Obviously we hope that that process will continue and develop, and that the military not only will return to barracks but will remain there and will cease to interfere in the rural life of the population; and that the wave of murders and terror which have afflicted the Guatemalan people over a period of some 40 years will at last, under the benign influence of President Cerezo, come to an end. That will be nothing to do with American influence, which has been wholly malign in the isthmus. In particular the American policy on Nicaragua—not under President Carter but since then—has been completely misguided and has brought to nought the efforts of the Contadora powers to reach a peaceful settlement throughout the whole region.

I should like to follow the noble Lord in his discussion of Peru, which is an entirely different case, and, indeed, to enter on a discussion on the sale of arms to regimes such as that of General Zia, the Shah of Persia and so on if there were time. I say only that I thought it was a rather cynical discussion. What happened when our backs were to the wall and we were faced with the threat of occupation by Nazi Germany ought not to be the guideline for our conduct in a period of more or less peace, which has lasted since the end of the Second World War and in which the developments of the theory and practice of human rights, principally in the United Nations, have led us to a completely different view, I hope, of the relationships between states and in particular in regard to the sale of weapons by one state to another when the second state has been a gross and persistent violator of human rights.

I want principally to continue the references of the noble Lord to the case of Indonesia in the context of that country's continued violation of the human rights of the people of that country and in particular in the context of the military conflicts in which it is engaged against the people of East Timor and West Papua. Before I go into that matter in some detail, I want to say that the existing guidelines on arms sales to human rights violators must surely be grossly inadequate when they allow us to trade in weapons of mass destruction with evil dictatorships such as those of Indonesia and Chile and in so-called non-lethal weapons systems with psychopathic regimes such as that of Ayatollah Khomeini's brutal and atavistic theocracy in Iran or the equally thuggish and murderous Government of Saddam Hussein in Iraq.

In the latter case, we say piously, to quote a Written Answer given by the Foreign Secretary on 29th October 1985:

> "We should not, in future, approve orders for any defence equipment which, in our view, would significantly enhance the capability of either side to prolong or exacerbate the conflict".—[*Official Report*, Commons, 29/10/85; Col 454.]

In other words, we are prepared to sell both sides any defence equipment which in our view only prolongs the war to a minor extent, and we make this casuistical distinction between lethal and non-lethal arms knowing perfectly well that all military equipment enhances the power of its operator to cause death and mutilation.

We supply spare parts and even whole engines for the Centurian tanks used by both sides, and we sold 300 military Land-Rovers to Iraq in July 1985, balancing the export of a 32,000 tonne fleet auxiliary and two 2,500 tonne landing craft to Iran, which were no doubt used to help in the recent crossing of the Shatt el Arab in which tens of thousands of casualties were suffered by both sides.

This is an utterly immoral trade, and if only the governments of the United States, Europe and Israel had joined together in placing a total embargo on all sales of defence equipment to both Iran and Iraq it would have saved countless lives and immense suffering. I say for that reason, and for many others, that the guidelines must be reviewed as a matter of urgency.

Yesterday former President Eanes of Portugal, in an address to foreign correspondents in Lisbon, said that the existing colonial power, *de jure*, should support financially and by all other means the Fretilin liberation movement's armed struggle in Timor. This faces us with a challenge, and particularly in Britain, because of our just insistence on the sanctity of Chapter IV of the United Nations Charter which prohibits the use of force between states, and particularly the transfer of sovereignty by means of military aggression. It was on this principle of course that we fought a costly war in terms of lives and resources against Argentina.

But how much greater than the crimes of the military junta in Argentina has been that of Indonesia, which first of all invaded the territory of East Timor in December 1975 and continued military operations

[LORD AVEBURY.]

against the resistance forces there over the years in the face of repeated condemnations by the General Assembly of the United Nations, but also while occupying East Timor grossly and persistently violated the human rights of the inhabitants, massacring and starving to death somewhere between a quarter and a third of the population and imprisoning and torturing many thousands more.

Even today, 11 years after the original invasion, the Indonesian armed forces continue to kill and maim people. As recently as 16th January the Foreign Secretary wrote to me saying:

"Military activity continues in both East Timor and Irian Jaya . . . We do . . . believe Indonesian military activity to have been stepped up in those areas where low-level conflict persists".

This confirmed reports such as that of Jill Jolliffe in the *Guardian* of 21st November 1986, claiming that war was raging in East Timor again. The article claimed that planes and tanks were being used against the guerilla forces and that large numbers of troops had been deployed there.

I ask the Foreign Secretary to consider once again—and not for the first time—whether Britain should sell arms and other defence equipment to a regime which was engaged in a ethnocidal war against a tiny neighbour, and I call it ethnocidal rather than genocidal, accepting the distinction made by Leo Kuper between the attempt to extinguish a separate cultural and linguistic identity and the eradication of the people themselves.

I believe that the objective of the Indonesians is to integrate the territory of East Timor into their unitary state, and that they will only kill those who resist their plans, just as the Nazis did not systematically exterminate all the inhabitants of occupied France during the last war but only those who continued the struggle for liberation.

The Foreign Secretary replied:

"we do not agree to the supply of equipment which, in our judgment, is likely to be used for continued repression".

He said that the Government:

"are aware of suggestions that British supplied defence equipment may have been used by Indonesian forces in East Timor and Irian Jaya, but to the best of our knowledge these suggestions have never been substantiated".

We believe, however, that evidence exists to show that our equipment probably has been used for internal repression, including the attacks on the people of East Timor and West Papua.

We supplied, over a period of some years a number of Saladin, Saracen and Ferret armoured cars to Indonesia. I cannot be specific about either the numbers or the dates because the Government always do their best to conceal knowledge of these transactions from the public at large. But Amnesty International has photographs which have been published—I have one here—showing armoured cars being used against student demonstrators in 1978. The authenticity of these pictures has never been challenged and it is logical to assume that if a government buy large numbers of armoured vehicles and they have no obvious external threat they will use them against their own people.

I should emphasise that in addition to the continuation of the struggles in East Timor and West Papua and the student unrest I have mentioned, there have also been crackdowns against Moslem protesters, for example, at Tanjung Priok, Jakarta in 1984 in which the death toll has been estimated variously at somewhere between 60 and up to 200 people. Troops opened fire without warning on unarmed demonstrators. Although the armoured cars may not have been deployed on that occasion they would probably have been brought out if the protest had continued, but they are always there as a threat against anybody who challenges the regime.

The second major series of arms contracts which we have entered into with the Indonesians has been for the supply of Hawk advanced trainer aircraft. The first deal for eight aircraft was concluded in April 1978 when the aggression against East Timor was at its height. But when my honourable friend Sir Russell Johnston condemned this deal in correspondence, the then Minister of State, the late Lord Goronwy Roberts, told him:

"certain foreign observers who have been allowed to visit the territory have reported that the scale of skirmishing there has been greatly reduced".

That was in a letter dated 29th June 1978. It is not entirely accurate to refer to a war in which at least 100,000, probably 200,000, people died as "skirmishing". The letter is a good example of how British governments have spread deception about the level of Indonesian military operations over the years, no doubt quite unintentionally.

As the unnamed foreign observers, with very few exceptions, who have visited East Timor since the occupation 11 years ago have been stooges of the regime, are prepared to accept the lies and propaganda which have been fed to them by the Indonesian forces, the parliamentary Human Rights Group, of which I have the honour to be chairman, wrote to the Indonesian authorities some four years ago asking whether we could send some of our members to visit the territory to assess the situation for themselves. We were refused point blank.

On 1st October last year I wrote, as chairman of the group, to the Indonesian Foreign Minister. Our colleague, Robert Tickner MP, the chairman of the Australian parliamentary Human Rights Group, wrote simultaneously to the Indonesian Foreign Minister via the Indonesian Embassy in Canberra. Our friend Mr. Tickner received an answer after some weeks that it was inconvenient for a visit by Members of Parliament from Australia and Britain to go to East Timor because of the preparations that were taking place for the so-called elections in April.

We had a reply from the ambassador here dated 11th December saying:

"We regret to inform you that your request has been unsuccessful".

The ambassador did not explain why our visit was not welcome but obviously it had nothing whatever to do with the elections. I suspect the Indonesians would like entirely to prevent the outside world from knowing what they are doing in East Timor. Particularly they do not want anybody to observe the military operations that are currently taking place in the territory.

In the nature of things, it is very difficult for us to prove that British weapons are being used. I say here

that I do not think the onus of proof should be on us at all. The Government, with their far greater resources, their ability to use intelligence from American satellites, an ambassador in Jakarta and other observers who may have been more successful than we have in penetrating the territories of East Timor and West Papua, know much more about military operations than we do and they should take full account of that intelligence. However, the Jakarta newspaper, *Kompas*, reported on 14th January that a new air force squadron using Hawk fighter aircraft was established in mid-January,

"for purposes of advanced training and tactical combat".

The aircraft were said to be fully equipped with rockets and machine guns for ground attack operations.

Whenever we have raised the question of the sale of Hawks in the past, we have always been told that only the trainer version was on offer. Now we have the statement of the air force chief of staff, Air Marshal Suhardi, that another version equipped with weapons is actually in service. The United Nations representative of the East Timor freedom fighters, José Ramos Horta, has said that the aircraft, fully equipped with weapon systems, have been sited at the military airfield at Baucau in East Timor.

I shall not at this hour catalogue the rest of the arsenal we have provided to Indonesia over the years. Let me just say that if we abandon the principles of self-determination and of the inviolability of national boundaries we are embarking on a very dangerous course indeed. The island of Timor may be remote and on a world scale its people may not be of great significance, but they are heroic people who have fought tenaciously for the rights enjoyed by nearly every other former colonial people in the world. If we not only fail to support them politically, as former President Eanes urges, but on the contrary we actively encourage the aggressors in their illegal and brutal occupation, we are fatally undermining the international rule of law, the maintenance of which is necessary for the survival of the whole world.

11.26 p.m.

Lord Trefgarne: My Lords, I intended to begin by staggering to my feet and protesting that I was exhausted, which indeed I am, but I think that that would be a shameful proceeding in the context of the speech of the noble Lord, Lord Brockway, and his tenacity when asking his Question and sitting through the debate this evening.

We in Britain enjoy a degree of individual freedom and a respect for human rights of which we are justly proud. This respect of individual freedom and for the rights of citizens against the authority of the state is an integral part of our constitutional parliamentary and legal traditions. Partly because of this and partly because it is something with which we have all grown up, we tend to regard this state of affairs as part of the natural order of things. It is therefore right and proper for us to remember that many people throughout the world live in countries in which their governments do not share this fundamental concern for human rights. I want therefore this evening to outline briefly what Her Majesty's Government, in company with other like-minded governments, are doing to promote human rights throughout the world and then go on to explain how we seek to ensure that our defence sales activities are fully compatible with that concern for human rights.

The Government of course are firmly committed to the protection and promotion of human rights and

fundamental freedoms and deplore all violations throughout the world, wherever they may occur. The United Kingdom plays an active role in international human rights fora, including the United Nations Commission on Human Rights, which opened its 43rd annual session in Geneva on 2nd February and the CSCE Review Conference currently under way in Vienna. We also regularly make our views known on human rights issues when meeting Ministers or representatives of countries where such violations occur.

Our human rights concerns are naturally shared by our partners in the European Community. In recent years we have made an increasing number of joint *démarches* with them in third countries and have expressed our joint concern in common statements at the UN and in the CSCE. Foreign Ministers of the Twelve set out their principles in this field in a statement issued on 21st July 1986, a copy of which is in your Lordships' Library.

However, it is not enough merely to express concern. We must use all the powers at our disposal to try to convince other governments of the fundamental importance of these matters. It may be superficially attractive by way of a salve to our own conscience to say that we will not have any dealings with a particular government in a country where human rights are being violated. But such an approach does nothing to help the victims of oppression in that country. Indeed, I believe that such an approach is basically misguided since it ignores our fundamental duty to use all the powers of peaceful persuasion at our disposal.

But let us be clear that this involves us in dealing with people and governments of whose activities we may sometimes profoundly disapprove. Indeed, it involves us in using the whole range of our diplomatic, economic, commercial, military and cultural contacts to emphasis the importance which we attach to the observance of human rights.

Britain is uniquely well placed to do this. We are a member of the European Community, a leading member of the Commonwealth and a permanent member of the United Nations Security Council. Britain still has a world currency and the second largest body of overseas investment after the United States. We are also a major trading nation and a major exporter of defence equipment in the world, along with the United States, the Soviet Union and France.

I make no apology for Britain's major role as an arms exporter since our activity in this field enables us to extend our diplomatic and political influence in a way which I believe is genuinely beneficial to the furtherance of human rights. It is in my view right and proper that we should be involved in helping our friends to contribute to their own security whether internal or external. Indeed, successive British governments have supported the sale of defence equipment whenever this is compatible with the United Kingdom's political, strategic and security interests. In political terms, the supply of equipment to friendly nations often backed by military advice, training and support, underlines our concern for their security and helps them to strengthen their ability to resist aggression. In economic terms, defence sales make a significant contribution to our balance of payments and sustain more than 100,000 direct and indirect jobs.

Most importantly, however, the customers for our defence exports are sovereign states which are fully entitled to acquire arms to protect their independence and to exercise their right of self-defence. It would be wrong for the United Kingdom to seek to deny to other states the right which we exercise ourselves. This does not mean, however, that the Government allow arms to be exported indiscriminately. I am sorry that the noble Lord, Lord Hatch, finds all that so funny.

As a major exporter of arms and related equipment, I entirely agree with the noble Lord, Lord Brockway, that we have a special responsibility to ensure that so far as possible we do not supply arms which are likely to be used for the violation of human rights or result in an escalation of regional conflicts.

Lord Hatch of Lusby: My Lords, what I find funny is this Government claiming that it was in the interests of peace and the right of sovereignty to supply arms to Argentina and training to Libya.

Lord Trefgarne: My Lords, I am grateful for that explanation from the noble Lord.

As I emphasised earlier, we authorise arms sales only where these are compatible with our political, strategic and economic interests and where these are consistent with our international obligations. We pay particular attention to whether arms exports might increase the degree of tension in an area or might be used for internal repression.

In the light of these various considerations, there are a number of countries to which we do not export arms or related equipment under any circumstances. For example, we do not sell arms to Argentina, Libya, South Africa including Namibia, and Soviet bloc countries. I should perhaps also add that in the case of South Africa, we not only comply with the mandatory UN embargo on arms exports but we also comply with a voluntary UN Security Council Resolution 558 which prohibits the import of arms, ammunition and military vehicles from South Africa.

Lord Avebury: My Lords, how on earth can the Minister reconcile the high-minded principles that he has enunciated with the fact that we were prepared to sell weapons to Argentina so long as there was a military regime in power in that country but deny them when there is a democracy in power?

Lord Trefgarne: My Lords, I think that the noble Lord may have forgotten that there has been a sea change in our relationship with Argentina, when of course they invaded the Falkland Islands in 1982.

In addition there are a large number of other countries where we permit arms sales only on a case-by-case basis after the most careful and rigorous scrutiny, taking into account both the potential for exacerbating regional tensions and the human rights situations in the countries concerned.

In the case of Iran and Iraq our defence sales policy reflects our declared impartiality in the conflict and I made our position very clear in reply to the noble Lord, Lord Cledwyn, yesterday afternoon. Since the

[LORD TREFGARNE.]

beginning of the conflict we have not supplied any lethal equipment to either Iran or Iraq. In 1984 that policy was tightened and refined into the present Ministerial guidelines which, as I explained yesterday, prohibit the supply of any defence equipment to either side which would significantly enhance their capability to prolong or exacerbate the conflict. We have also restricted arms sales to Israel since June 1982 in direct response to the Israeli invasion and continuing occupation of Lebanon. We have also restricted any arms exports to Angola. In Central America we have called for arms reductions and have placed severe restraints on our sales of arms to the region in view of our support for the Contadora peace process.

There are, in addition, a large number of other countries where human rights considerations dictate that we take special care in considering applications for the export of arms. In the particular case of Chile, for example, while we are prepared to permit the export of certain items of equipment for external defence, we take particular care not to sanction the export of any equipment which we judge is likely to be used for internal repression. Similarly, in other countries where there is concern over human rights, arms exports are scrutinised on an individual case-by-case basis to ensure that such exports do not contribute to the violation of human rights in those countries.

It is, of course, inevitable that, as a major arms exporter, we have to make difficult decisions in borderline cases on whether to permit particular exports in response to legitimate demands from governments for equipment to safeguard their external defence and to maintain public order, or whether to refuse supply on the grounds that the equipment might be misused and thus contribute to a violation of human rights. Such decisions are not easy and I would not suggest that we necessarily always get the balance exactly right in every case. What I would emphasise, however, is that all proposed arms exports to overseas countries are carefully considered on an individual basis and that the human rights situation in the country concerned is one of the principal considerations in deciding whether or not to sanction any particular export.

Perhaps I may now turn briefly to some of the points that have been raised during the course of this evening. The noble Lord, Lord Avebury, for example, asked me about the position with regard to Indonesia, and was particularly anxious about the supply of Hawk aircraft to that country. Our understanding is that the Hawk aircraft are not used in East Timor. Suggestions of this kind that equipment we have supplied to Indonesia has been used for internal repression have not so far as we are aware been substantiated.

The noble Lord, Lord Brockway, in his opening speech referred to the question of South Africa, and indeed was kind enough to write to me in advance of the debate giving me warning of the point that he planned to raise. I find it difficult to offer specific comment on the Armscor allegations without more detail. For example, it is not clear that the smuggling to which the noble Lord referred had in fact taken place through the United Kingdom. It might have been some other country. We believe that the arms embargo has generally been effective. Recent cases involving action by HM Customs and Excise include the *Coventry* case in 1985, where five British subjects were found guilty of breaching customs regulations, the *Barox* case in 1985, and the *Clement Shaw* case in 1986. These were dealt with under the so-called compounding procedure.

I turn again briefly to the question of Chile, which the noble Lord, Lord Rea, raised at some length. I understood him to say that he had recently visited that country. We of course share the noble Lord's concern about human rights abuses in Chile. We frequently make that concern clear to the Chilean Government both bilaterally and in concert with our EC partners. On 4th December we voted in favour of a resolution at the UNGA criticising Chile's record. That will be considered again at a current session of the UN Commission on Human Rights.

As regards HMS "Glamorgan", her sale to the Chilean Navy was entirely consistent with our policy. If I may say so, the noble Lord's imagination slightly ran away with him when he suggested something to the effect that that vessel could be used for bombarding the civilian population, from her mooring in Valparaiso Harbour.

The noble Lord, Lord Jenkins, referred to the question of Turkey. On the subject of human rights in that country, I can assure your Lordships that we follow the situation carefully, paying particular attention to allegations of violations. We have raised our concern on those issues with the Turkish Government on numerous occasions. During the Turkish Prime Minister's visit to the United Kingdom last February, the Prime Minister made a particular point of raising human rights. Mr. Ozal, who came to power only in December 1983 and who cannot be held responsible for events before then, showed himself to be well aware of the importance of making further progress. In our view he is genuinely seeking to improve the situation which he inherited. Moreover, the current position needs to be seen against the background of anarchy—with over 3,000 people killed and over 30,000 people injured—that existed in Turkey in 1980 when the military took over.

I should like to turn briefly to the remarks of the noble Earl, Lord Winchelsea, about the position in Morocco. As the noble Earl will appreciate I cannot comment on any specific arms sales, but I should emphasise that all arms exports to Morocco are examined on an individual basis. The human rights situation in that country and the war in the Eastern Sahara are two of the factors which are taken into account in deciding whether to sanction any particular export. However, as the noble Earl recognised, British arms exports to Morocco are very limited and we are by no means a major arms supplier to that country.

Some of your Lordships will no doubt continue to disagree as to the wisdom of certain decisions in relation to arms exports to particular countries. Nevertheless, I hope that I have said sufficient tonight to convince your Lordships that Her Majesty's Government attach very great importance to the question of human rights and that in administering our defence sales policy we take full account of the right and proper concern for human rights which has been so eloquently expressed in your Lordships' House tonight.